THE CITIZENS' COUNCIL

Dedicated to the maintenance of peace, good order and domestic tranquility in our Community and in our State and to the preservation of our States' Rights

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Deerfield Wins Fight To Stay White

Presbyterians Say--

Church Leads In Mixing

A Presbyterian magazine has devoted its entire February issue to advocating interracial marriages.

The Presbyterian publication **Social Progress** carried articles from theologians, all on the general theme that a true Christian should not try to stop his son or daughter from marrying a person of another race.

The Negro moderator of the Presbytery of New York, Rev. Elder G. Hawkins, said mixed marriages could be successful if Negroes were recognized as equals. Hawkins wrote:

"If we give too glibly what is indeed the Christian answer to the question, it may be we will gloss over what actually is the hardest thing in the world for white America to do—be rid of its delusion of superiority and all the attendant fears that have made it necessary to deprive the Negro of the basic freedoms other Americans enjoy."

Marcus Barth of the University of Chicago's theological faculty chimed in:

"All talk and all striving for desegregation and for full equality and community of rights and duties of the people of different races living together in America is but rubbish unless it includes the willingness to accept and protect interracial marriages."

Perhaps as a reward for his journalistic efforts, Negro Hawkins was nominated for the highest national elective office in the United Presbyterian Church, that of moderator.

If elected at the denomination's General Assembly in Cleveland, Ohio, May 18, Hawkins would be the first Negro to hold the highest position in a predominantly-white church organization. Most United Presbyterians live in the North.

The mixed-marriage advocates would have found a chilling reception, however, at a meeting in Jackson, Miss., on Jan. 22. A quarterly meeting of the Central Mississippi Presbytery greeted with what was described as "cool silence" the remarks of a top church official who is affiliated with pro-integration groups.

On the receiving end of the cold shoulder treatment was Dr. Ernest Trice Thompson of Richmond, Va., moderator of the General Assembly of the Presbyterian Church, U.S. Thompson is known as a "liberal" in church philosophy, and is affiliated with a number of race-mixing groups.

The Jackson **State Times** reported that several ministers "got up and left the meeting when Thompson started to speak."

In his remarks, Thompson had a sneer for Presbyterian founder John Calvin. Calvin had a "weak point," Thompson said, because he was "intolerant."

Perhaps the understatement of the meeting came from the stated clerk for the Central Mississippi Presbytery, Rev. W. A. Gamble, who said "In my opinion, Dr. Thompson did not make many converts to his way of thinking."

Dr. Thompson, meantime, was telling a group in Austin, Tex., that it was "unfair" to say the church wasn't pushing integration to the fullest.

"We are not lagging, or dragging our feet," Thompson declared.

"The churches have taken a position of quiet leadership in integration. Protestant churches have not done as much as they should to further integration, but they have done more than most people realize."

Dr. Thompson boasted that some church conferences in his denomination are now integrated.

. . . And Stay Out!

CITIZENS' COUNCIL, JACKSON, MISS.

Seditious Sit-Downs

(An Editorial)

Much has been written and much has been said concerning the current wave of "sit-down" lunch counter demonstrations being staged by Negroes in scattered sections of the South.

There is little which we could add to the news reports concerning individual incidents; but perhaps it falls to us to take a long look at the pattern which has emerged.

To place the "sit-downs" in their proper perspective, one must first realize that these demonstrations have occurred on private property—that the Negro demonstrators have actually, in some instances, taken over a private business establishment.

Let it be here noted that no legal body—not even the U. S. Supreme Court—has ever said that proprietors of private businesses must serve persons whose presence they deem objectionable.

As a matter of law and of fact, a recent U. S. Supreme Court ruling in a Delaware case upheld the right of a restaurant owner to refuse service to Negroes.

Yet, throughout the South, Negro demonstrators turn downtown sidewalks into mob scenes; and make battlegrounds of variety stores and lunch counters.

Significantly, the first "sit-down" demonstrations came in communities which had previously revealed their racial weakness by permitting so-called "token integration." This fact is not lost upon concerned white citizens of these communities; nor can the inescapable conclusions to be drawn therefrom fail to impress hard-headed businessmen.

Well-trained and well-organized, the Negro "sit-downers" are backed by the NAACP, Congress of Racial Equality, and various other Northern-led groups, who threaten chain-store management with boycotts of their Northern branches unless they knuckle under to Negro demands in the South.

Throughout the South, these demonstrators have ignored state laws and city ordinances which protect the sanctity of private property, and reserve to the proprietor the right to select his customers.

Laws regulating mobs and incitement to riot have been flouted by boisterous black brigands; the civil rights of white citizens have been openly violated.

In some areas, violence has broken out. Only quick action by alert police in dispersing the Negro mobs and jailing their leaders has prevented a blood-bath of major proportions.

Jail is the best deterrent to such tactics; it is also the best possible object lesson to Southern Negro troublemakers who might not have begun their lawless efforts in forcing their company upon others.

However, peace has not yet been restored to the South; an ominous quiet prevails in some localities; in other communities, race tensions are so high as to lend almost an electric presence to the atmosphere.

(Continued on page 2)

MCD Branded Illegal By Federal Judge; Stock Probe Begins

(An Exclusive Report)

Modern Community Developers, Inc., has lost a major court battle in its futile attempt to build racially-mixed residential subdivisions in the all-white community of Deerfield, Ill.

MCD not only lost the court case, but found its own corporate future in jeopardy.

Last December, MCD went into Federal District Court in Chicago in an effort to force determined Deerfield homeowners to accept Negro neighbors.

On March 4, Federal District Judge Joseph Sam Perry handed down a 76-page opinion which threw MCD's complaints out of court and cast a legal cloud over the corporation's operations.

And as if this legal backfiring weren't enough, MCD also stood accused of practicing racial discrimination—which it professes to abhor.

In addition to dismissing MCD's complaints, Judge Perry ruled that MCD was operating illegally, cannot engage in interstate commerce, cannot lawfully execute contracts, and was trying to sell stock with an illegal prospectus.

The judge also ruled that MCD had made false and misleading statements in its prospectus, and in registration documents filed with the Securities and Exchange Commission (SEC) in Washington, and had failed to disclose material facts about the firm, including financial dealings with other firms in which MCD officers were part owners.

MCD's promoters—shocked that a Federal judge would rule against them in a case invoking the sacred cause of "civil rights"—hastily filed notice of appeal.

Washington sources, meantime, told THE CITIZENS' COUNCIL that the Securities and Exchange Commission has launched a full investigation of MCD, based on Judge Perry's opinion.

If the SEC probe reveals the same facts cited in the court opinion, the SEC could file Federal criminal charges against MCD officials. In addition, the SEC could force MCD to withdraw its current stock offering from the market.

The case may also be brought to the attention of a Congressional investigating committee.

Key points of the recent court ruling somehow escaped the attention of the Northern press, which completely overlooked the fact that the decision heralds the beginning of the end for MCD's much-publicized experiments in developing new Northern subdivisions on a racially-mixed basis.

(Editor's Note—Persons who have been following the case closely inform us that this story is the first full, factual news account of the highly-significant decision. This is true despite the fact that the trial was held and the opinion issued in Chicago, which prides itself on its highly-trained, competitive and supposedly-objective newsmen. Another example of the "Paper Curtain" in action?)

MCD was first exposed to the light of nationwide publicity in the December issue of THE CITIZENS' COUNCIL, which ran a banner story telling of the overwhelming resistance of Deerfield, Ill., residents to MCD's efforts to build two racially-mixed subdivisions in the exclusive, all-white suburban village near Chicago.

A follow-up banner story in the January issue revealed MCD's plans to expand its unwelcome activities into Connecticut and Iowa.

The Deerfield episode began last November, when it became known that MCD and its Illinois subsidiary, Progress Development Corp., were planning to build 51 homes on two tracts of land in Deerfield.

Deerfield citizens were outraged to learn that PDC planned to offer 10 or 12 of the new homes for sale to Negroes. The builders had neglected to mention that fact during earlier stages of their planning.

Irate homeowners mobilized overnight. Protest meetings were held, at which countless sadder-but-wiser white citizens related from personal experience the rapid drop in real estate values in an integrated community.

A thorough canvass of community opinion revealed an 8 to 1 preference for segregation. And PDC was abruptly ordered to stop work on the $30,000 homes because of numerous violations of the village building code.

A special election was called Dec. 21, at which a record 86 per cent turnout of voters gave overwhelming approval to a $550,000 bond issue enabling the village Park Board to purchase PDC's property as park sites. Two previous bond issues for parks were voted down before integration threatened.

The very next day, PDC and MCD went into Federal District Court. Judge Perry granted them a temporary injunction forbidding Deerfield officials from harassing the interracial project.

PDC and MCD followed up by filing a three-part action, seeking to restrain the Village Board and Park Board from preventing construction of the 51 houses, and also prohibiting institution of state condemnation proceedings to acquire the land for park purposes. The action also complained of a conspiracy between various officials and leaders of protest groups, and sought $750,000 damages.

It took nearly 3 months to argue the case. The NAACP offered its legal assistance to PDC and MCD. White citizens of Deerfield dug deep into their pockets to employ legal counsel.

And by the time the ink was dry on Judge Perry's March 4 opinion, PDC and MCD bigwigs would probably have been delighted to forget that they ever filed the suit. But the decision wouldn't let them forget.

(Editor's Note—In fact, some SEC experts tell us that they might have several years in which to think about it!)

The 76-page opinion gives scant comfort to the integration-minded, and offers little but sympathy for any widows or orphans who might be relying on profits from MCD stock to keep the wolf from the door.

"Modern Community Developers, Inc., is an unregistered investment company within the meaning of the Investment Company Act of 1940; as such, it cannot engage in interstate commerce; and its contracts are void and unenforceable," Judge Perry wrote.

"Modern Community Developers, Inc., had made as of the date of commencement of this action several false and misleading statements and had failed to disclose material facts in registration statements and prospectuses filed with the Securities and Exchange Commission and under which it seeks to sell shares of stock in interstate commerce. It cannot found a cause of action upon any believed right to sell stock under an illegal prospectus.

"The plaintiff, Modern Community Developers, Inc., is not a proper party plaintiff and should be dismissed."

Judge Perry pointed out that MCD filed prospectuses and registration statements with the SEC on Aug. 5, 1958, and Oct. 9, 1959. Since Aug. 5, 1958, he noted, MCD has been

(See MCD, p. 3)

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Seditious Sit-Downs

(Continued from page 1)

Now—before some innocent bystander is killed by these senseless black mobs—now is the time to act!

Clearly, these organized Negro "sit-downs" are aimed at breaking down state and local laws. Clearly, these demonstrations are organized and directed by New York leadership. Clearly, they are transmitting their illegal instructions across state lines.

If this is not a clear-cut violation of Federal law, what is?

If the current wave of "sit-downs" is not aimed at breaking down state and local law and order, what is?

If this situation does not cry out for a full-scale FBI investigation and Justice Department prosecution of the guilty parties, what does?

Let us not mince words: the "sit-down" Negro demonstrators are engaged in a seditious conspiracy against the state and municipal governments of the Southern states.

Let us not be swayed by their pious protestations: sedition is a serious crime, and persons so engaged are dangerous criminals.

Let us not delay: to do so would in itself be criminal, if Negro mob action led to violence and death while nervous Federal officials stalled for time before taking action under the law.

Here is an excellent opportunity for the Federal Government—and most particularly, the Justice Department—to prove that it is sincere in its desire to protect the civil rights of **all** citizens. For obviously, these "sit-down" lunch counter demonstrations are violating the basic civil rights of a majority of the people of the South.

Consider for a moment what would happen if the situation were reversed—if Southern whites organized to march on New York or Chicago, trampling all who crossed their paths.

The answer is obvious: Federal troops would be called upon, if necessary, to use naked bayonets to disperse the "mobs."

This, then, is an ideal time for Federal officials to show their own lack of prejudice; to display their willingness to protect the civil rights of Southern white citizens, as well as their eagerness to protect the Negro from any real or imagined injustices.

We trust that Attorney General Rogers will not be misled by the current crop of Negro agitators, who cite the late Mahatma Gandhi as their model. Martin Luther King and other Negroes do violence to Southern whites in the name of Gandhi's policy of "non-violence."

The very fact that Gandhi is cited as their example should in itself point clearly to the Negro "sit-down" leaders' seditious—and actually violent—intent. It is a matter of historical record that Gandhi's "non-violence" brought death and suffering to numerous thousands in India; it left a wake of vast destruction of property; it overthrew British rule; and it led to the secession of Pakistan.

We call upon all proper authorities—local, state and national—to take the necessary action to prosecute leaders of the "sit-down" movement to the fullest extent of the sedition laws and other applicable statutes.

If the authorities fail to act at once, the blood of countless innocent bystanders may be on their hands.

The Thaddeus Stevens Bill

(From the Richmond, Va., News Leader)

In recent years, the good and decent people of the South have been the target of a thousand fantastic bills in Congress, drafted in palpable violation of elementary provisions of the Constitution, and designed to impose a new Reconstruction upon this region.

Nine times out of ten, the sponsors of these measures have not cherished even a hope that their bills would be enacted into law. Their purpose has not been to write sound and constructive law; their purpose has been to truckle to Negro blocs in key States and Congressional districts. And because much can be forgiven, or at least understood, in the name of "politics," the South has treated most of these bills with the quiet contempt they deserve; the bills have died in committee, and that has been that.

The bill proposed recently by Attorney General Rogers merits the entire country's contempt, but this cannot be a quiet contempt. His bill is the most vicious bill yet drafted by a presumably responsible source in the name of "civil rights." In his most vindictive moments, Thaddeus Stevens could not have conceived a scheme better designed to crush the life out of the State and Federal relationship.

This is Mr. Rogers' doing. Poor Ike! Poor stupid, well-intentioned, uninformed Ike! The pattern of 1957 repeats itself. Three years ago, under prodding, the President confessed his ignorance of the "civil rights" bill then offered in his name.

Now, in 1960, the President is in a fog again. At Tuesday's press conference, Anthony Lewis of **The New York Times** recalled Mr. Eisenhower's luke-warm reference to the "Federal registrar" plan in his State of the Union Message. This was the plan—a thoroughly bad and indefensible plan—advanced last year by the Civil Rights Commission. The President was asked if he had any alternative to suggest. He replied:

"Yes. I think that you will—the Attorney General has another plan that he thinks, within the framework of existing law, will improve very much the procedures that have been followed. And it is somewhat technical, exactly what the jurisdiction and the action possible for judges to take. So I would suggest to get the thing exactly, so it is not subject to misinterpretation, you should go to him, because it is a bit of a—it is a legalistic amendment that would be difficult for me to describe in detail."

What is this "somewhat technical" scheme, this "legalistic amendment" the President so obviously does not comprehend? The bill envisions these steps:

Whenever it appeared to the Attorney General (and things appear very easily to Mr. Rogers) that "any person," acting under color of law "or otherwise," had engaged, or was about to engage, in any act or practice which would deprive even one Negro of his right to vote in a **Federal** election, the Attorney General would bring suit in a Federal District Court.

If a Federal judge found that "any person" had intimidated this one prospective Negro voter, the judge would then appoint "one or more" voting referees. The bill contains no limit on the number of such referees the court might appoint, nor any limitation as to the counties and cities in which these referees could operate. The referees would have the same broad powers now vested by Federal practice in special masters and referees in bankruptcy, including the power to issue subpoenas and to demand testimony under oath.

The referees would go forth. They would comb the woods, seeking applications from "any person" who might claim deprivation of his right to vote by reason of race. They would find a "pattern."

In time, the referees would report to the court the names of all persons who **in the referees' judgment** had been coerced, intimidated, or interfered with in the attempted exercise of their right to vote; and unless the referees' findings were "clearly erroneous" (a phrase that carries heavy weight in Federal practice), the court would approve the referees' report and the persons named therein would be declared "qualified and entitled to vote at any election." The referees (or any other persons appointed for the purpose by the court) would have power to follow through at polling booths, and even power to check the ballots, after ballots had been counted, to make certain the votes cast by the new registrants had been properly counted.

The bill provides, further, that any election official who might refuse to permit such a new registrant to vote, or refuse to count his vote, would be subject to trial "for contempt." This provision is understood to refer to civil contempt, which could mean imprisonment without benefit of a jury trial.

That is Mr. Rogers' "somewhat technical" scheme.

Plainly, the bill would create a specially privileged class of Negro voters, enrolled by referees at their almost unchecked discretion, without the slightest requirement that the referees observe established State franchise laws. These privileged voters, literate or illiterate, drunk or sober, would have to be admitted to the polls on election day. And whether they defaced their ballots, or in any other fashion violated the election laws that apply to everyone else, their ballots would have to be counted. The secrecy of elections would be destroyed. Any election judge who failed to comply with the court's decrees could be sent to prison, without a jury trial.

What is this madness? This bill is the work of a zealot's mind, so demented by love for the Negro and hate for the South that reason has fled its very temples. The reserved powers of States, the control of the States over the qualifications for voting, the due processes of law, the rights of trial by jury—all these Mr. Rogers would toss aside as so much toilet tissue.

Read this man's "legalistic amendment"! It is a machiavellian bill hatched up by a slick Republican Attorney General, with the unwitting consent of a constitutionally ignorant Republican President, to be enforced by Republican judges. Hail, Mr. Rogers, counselor to the President, Richard Nixon's closest friend! And let us watch leading Democrats leap to the bill's support.

Mix Well Before Serving

Report From Tennessee

By Richard Burrow, Jr.

Altamont—Circuit Judge C. C. Chattin has revoked the charter of the left-wing Highlander Folk School and ordered the racially-mixed adult agitation center near Monteagle, Tenn., placed in receivership.

In an 11-page decision filed in Grundy County Circuit Court, Judge Chattin ruled that the "school" had violated the state's segregation laws and laws regulating the sale of beer.

Revocation of the "general welfare" charter was sought by District Attorney General A. B. Sloan on grounds that the Highlander "school" had been used for personal gain by its director, integrationist Myles Horton.

Judge Chattin's opinion said Highlander "admits it practices integration and that it is a private institution." The judge said this violates a section of Tennessee law which prohibits whites and Negroes from attending the same classes.

Chattin added: "This court is of the opinion that the segregation laws of the state as applied to private schools are constitutional and valid."

Among the first to praise the ruling was Bristol's capable State Representative Harry Lee Senter, who was a member of the committee of the Tennessee Legislature which investigated charges of Communist activity at the "school". The investigation was made during last year's meeting of the General Assembly.

Reliable sources report that similar legal action may soon be brought against another "educational" institution presently violating Tennessee's segregation laws.

Somerville—Fayette County Democratic party officials deny that they violated the 15th Amendment or the 1957 Civil Rights Act in holding a so-called "white primary" election.

They said the primary was not held for the public, but for a "specifically designated, limited group of citizens." The statement was in answer to a Federal suit filed by the Justice Department, complaining that Negroes were not allowed to vote in the primary.

Memphis — "Tennessee's pupil placement law will be the guide of the Memphis Board of Education in deciding where pupils will attend school," says Walter P. Armstrong, board president.

Armstrong's statement that the board "plans to comply with the laws of the state" came in response to questions posed by NAACP members. The Negroes wanted to know if the board considered that segregation is presently in effect in Memphis, and if so, when the policy would be ended.

A white attorney, Brooks Norfleet, told the board meeting that white taxpayers would oppose any move to integrate Memphis schools.

"The NAACP will find that there are school taxpayers who are alive to the situation and who will never approve of integration," Norfleet stated. Should a mixing drive develop, he warned "There will be a long day ahead."

Nashville—This city's police force appears to have prevented a serious racial clash that would have undoubtedly surpassed the recent lunch-counter disorders in Chattanooga, where a pushing, shoving crowd of 2,000 blocked traffic for nearly an hour.

About 145 of Nashville's trouble-making Negro "sit-down" demonstrators were arrested for violating the property rights of owners of various lunch counters in the city. Nearly all of the agitators were fined, and a number were sentenced to the workhouse.

Criminal court Judge Homer Weimar denied a writ of habeas corpus which would have freed one of the participants. In refusing the request, he rejected the protest of Negro defense lawyers, who argued that special City Judge John F. Harris was not qualified to hear the cases.

It has been pointed out by a state official that eating establishments are prohibited by Tennessee law from serving whites and Negroes on an integrated basis.

Elliott Adcock, director of the Hotel and Restaurant Division, said a 1952 regulation requires complete racial segregation in all types of eating establishments, including variety store lunch counters.

Any proprietor violating this regulation, Adcock warned, is guilty of a misdemeanor and subject to a $100 fine for each day of the violation.

Episcopalians Meet In N. C. To Form Race-Mixing Society

A new race-mixing society has been formed in the Episcopal Church, on the heels of an official Episcopal report which favored continued segregation.

The Episcopal Society for Cultural and Racial Unity was organized in Raleigh, N. C., at a racially-mixed meeting held on the campus of St. Augustine's College, an Episcopalian Negro institution.

The Society adopted a 6-point list of objectives, including:

—"Increased acceptance and implementation of the principle that the church is an inclusive fellowship which seeks out and welcomes all persons into the worship and parish life of any congregation without distinction as to race, color, national origin, or class.

—"Elimination of criteria based on race, color, national origin, or class for applicants to church camps, conferences, schools, colleges, hospitals, or other institutions or agencies which the church may operate or sponsor in any way.

—"Understanding of the prophetic role of the church, both through corporate and individual effort, in seeking the elimination of racial and other prejudicial barriers in society, whether these be erected by governmental process or through custom."

The organizational meeting was called by the Rev. John Morris of Atlanta and New York. He said 400 persons from throughout the country were invited, but only 100 showed up.

Even these 100 couldn't reach agreement on a name for the group or a board of directors.

A Texas seminary professor, Dr. Kelly Barnett of Austin, refused to serve on the board of directors because of the Society's name. He said the name indicates the group will become a "protest sect," and he favors moderation.

NAACP chief lawyer Thurgood Marshall was nominated for a director's post, but was rejected by a voice vote.

(Editor's Note—A good example of practicing what they preach!)

Bishop C. Gresham Marmion of Louisville, Ky., said he hadn't decided whether to serve on the board, because he is opposed to "pressure groups."

The New York Times reported that the group's name was a principal point of contention, since "some delegates feel that the words 'racial unity' imply interracial marriage."

But the Rev. Harold W. Sheffer, director of social relations for the Diocese of California, defended the organization, saying it was formed to give love and support to those facing community pressure in carrying out the anti-segregation pronouncements of the Episcopal Church.

And the vicar of St. Augustine's Chapel in New York City, the Rev. C. Kilmer Myers, accused the present-day Episcopal Church of being, "in the main, racist, caste-ridden and socially exclusive."

Myers added, "There is no place for caste or social exclusiveness of any kind in the life of the church. The very fact of your gathering is a sign of spiritual bankruptcy in Episcopalianism.

"There is no room in the church, in its Scriptures, in its theology and in its tradition for racism. The church cannot condone the blasphemy which goes on at the gates of the altar when men refuse the Cup of Christ because the poor or the black or brown or yellow kneel beside them.

"Such men have, in effect, excommunicated themselves," he added. **"For Christians, the time of gradualism is gone."**

Myers has spent much of his ministry in interracial work. He told the meeting "most of the thinking Negro youth I know in New York consider the NAACP conservative and stodgy."

Virginia Episcopalians, meantime, were making progress in their efforts to restore segregation and harmony to their church.

At a Jan. 27 meeting in Winchester, Va., the annual council of the Virginia Diocese approved a racial study commission report providing for re-segregation of some church camps and conferences.

Despite the fact that this report was accepted, a church official hinted the next day that total integration might be continued.

The Rev. James P. Lincoln, executive director of the Department of Christian Education for the Virginia Diocese, told the Associated Press that the Diocese will continue the integrated operation of its camps and conferences.

(Editor's Note—A fine example of "majority rule" and applied Christianity in practice.)

Report From Florida

By Mrs. J. C. Bruington

The Florida Association of Citizens' Councils has elected new state officials. They are Homer Barrs of Tallahassee, administrator; W. H. Cooper of Panama City, treasurer; and Mrs. J. C. Bruington of Pensacola, secretary.

The Association's past executive secretary, Rev. George A. Downs, has qualified as one of 12 candidates for the Florida governor's office.

The Bay County Citizens' Council has done an outstanding job on the school textbook situation. Due to their untiring efforts, the school superintendent has removed from the shelves the unsatisfactory texts brought to his attention.

Other counties are hoping to have equal success, and have adopted this as a statewide project. They are using the guide prepared by the National Society, Daughters of the American Revolution.

Because the Faculty-Senate of Florida State University has called for repeal of the loyalty oath provisions of the National Defense Education Act, we are joining with other groups to sift the matter at FSU.

The loyalty oath has been accepted by 1365 institutions of higher learning, and rejected by but 17.

The Orange County Citizens' Council is aiding the Prince Edward County, Virginia, Private School Foundation in its money-raising project. Prince Edward County has the only successful private school undertaking since the 1954 Black Monday decision.

Sanford Padgett, president of the Orange County chapter, is a one-time Northerner who stands 100 per cent for segregation.

Such support of private, segregated schools is becoming a matter of urgency. A group led by Dean J. B. White of the University of Florida's School of Education at Gainesville has released a pamphlet signed by 33 Southern professional educators.

The pamphlet claims that closing of public schools would lead to "collapse of our democratic society," an increase in unemployment and juvenile delinquency, and serious economic setbacks.

The 33 signers of the statement include 8 from Florida, 6 from North Carolina, 5 from Tennessee, 4 from Texas, 3 each from Kentucky and Virginia, 2 from Maryland, and one each from Georgia and Alabama. No signers could be found in Mississippi, Louisiana or South Carolina.

Wide distribution throughout the state of documentary evidence of the Urban League's integrated dinner at the Everglades Hotel in Miami may bring results.

The interracial banquet was held to observe the Urban League's "Equal Opportunity Day," aimed at securing more race-mixing by employers. The Governor of Florida and the mayor of Miami gave the function their official blessing.

The Negro press had a field day reporting on the "break-through" by the 250 mixers who attended.

MCD Branded Illegal By Judge

(Continued from p. 1)

trying to sell the public $1,500,000 worth of stock. But as of Dec. 31, 1959, it had successfully disposed of only 5,876 shares, with $489,300 actually paid in and a total subscription price of $587,600.

MCD, in its prospectuses, "made statements and representations which do not disclose extensive contingent liabilities," the judge added.

"MCD has made commitments or pledges of $501,000 to certain subscribers for its shares which are not reflected in its latest prospectus. This is a large and material liability.

"In its prospectus, MCD represents that its president, Morris Milgram, was engaged 'in labor relations work' for 10 years prior to 1947 when, in fact, he was not so engaged in any usual or ordinary use of the term 'labor relations work' but was engaged with an organization known as the War Resisters' League during the years from 1941 through 1945 which could in no way be construed as labor relations work.

"Accurate and non-misleading biographical material is of special importance to potential investors who must rely in substantial part upon the past history and performance of the principal officers of a new company in endeavoring to form an opinion as to the possibilities of the success of such a company.

"MCD fails to state in its latest prospectus that it has made special offers, inducements and representations to prospective purchasers of its shares in the states of New Jersey, Iowa and Connecticut that if they subscribe or assist in securing subscriptions for substantial amounts of its shares, MCD will make large investments in those states.

"The persons to whom such offers were made responded thereto by purchasing shares, and MCD considers itself obligated to them to make investments in said states which will total approximately $325,000.

"In MCD's current (1959) prospectus, it is stated that one of its wholly-owned subsidiaries had taken over the business and assumed the liabilities of a partnership. It omitted to state that the partnership was one in which several of MCD's officers bore partnership liability—including a 2/15ths interest by Morris Milgram, who, at the same time, was and is drawing a substantial salary from MCD.

"The prospectus fails to reveal the further material facts in this respect that this subsidiary is Concord Associates, Inc., a corporation created by MCD in January, 1959; that Concord was not expected by MCD to show a profit; and that to the knowledge of the directorate of MCD, it has, in fact, operated at a substantial loss ever since its creation."

After listing the 42 points in the complaint filed by MCD and PDC, Judge Perry wrote:

"Initially, the proceeding seemed to present some perplexing and complex problems: but now that all of the evidence is in, the matter has resolved itself into a comparatively simple matter both as to facts and as to law. It takes no Sherlock Holmes to unravel and determine the facts, and it takes no Oliver Wendell Holmes to comprehend and apply the applicable law."

Pointing out that "there was no conspiracy between any of the defendants" against MCD or PDC, the judge added that the threat of integration undoubtedly influenced the vote on the park bonds.

"It was an ill wind which blew no one any good," he observed, adding that "The Park Board struck while the iron was hot."

"This court cannot consider the motives of the Commissioners of the Deerfield Park District in instituting condemnation proceedings," Judge Perry wrote.

"Motives cannot be inquired into when the sovereign speaks directly—that is, when the people vote as they did in this case—nor can motives be inquired into when the sovereign speaks indirectly—that is, through a legislative body, as it did through the members of the Board of the Deerfield Park District in this case.

"The court specifically finds that the officials of the Deerfield Park District Board had no motive of bias or discrimination against the plaintiffs when those officials acted as they did.

"Progress Development Corp. is subject to the same exactions as are other citizens—the exaction of having its property taken by the eminent domain power granted to governmental, legislative bodies.

"No right is given to PDC superior to that granted all other citizens and they likewise hold their property subject to the superior right of eminent domain exercised by governmental agencies.

"The plaintiff, Progress Development Corp., has an adequate remedy at law in the condemnation proceedings pending in the Circuit Court of Lake County, Ill."

In answer to the claim that building inspectors harassed the plaintiffs, the judge noted:

"PDC represented to the court that there were in fact no building violations at the time of the filing of the complaint. The overwhelming evidence is to the contrary.

"Building Inspector Kilgore testified that he was biased against Negroes and did not want any in Deerfield. He stated that he had moved to Deerfield to get away from Negroes who had moved into the community where he had previously resided. . . . In his dealings with building code violators, a building inspector, of course, is not likely at best to be ceremonious in his approach and his manners and speech are more apt to be blunt than Chesterfieldian.

"Where discourteous conduct, such as is attributed to Inspector Kilgore, is connected with the performance of official duties, it is no violation of civil rights."

The judge conceded that the opposition of Deerfield residents was "based on animosity and resentment at the prospect of having Negro neighbors," adding that "most of these people have all of their life savings invested in their homes."

Judge Perry proceeded to take MCD and PDC to task for bringing the suit under various "civil rights" statutes while the builders were themselves seeking to enforce discriminatory standards of occupancy in their housing development.

Of the 51 houses PDC planned to build, the judge wrote, "it is their claimed intention to sell 10 or 12 of these houses to Negroes. They will not sell all or even 50 per cent of them to Negroes or all or even 50 per cent of them to Caucasians. This plan the plaintiffs call their 'controlled occupancy pattern.'

"On order of this court, plaintiffs produced two forms of restrictive sale agreement by means of which they plan to control future sales for more than 10 years, and to preserve the ratio of Negroes and Caucasians they establish.

"Needless to say, the disclosure of the plan by Morris Milgram, president of MCD, added new fuel to the flames.

"Plaintiffs stated in open court that they would not sell 100 per cent or 50 per cent of the proposed houses to Negroes as that would be contrary to their plan. They insisted that they would sell only upon their formula of approximately 80-20. Plaintiffs claim, and their counsel argues, that the plan is voluntary, yet in the same breath they say that this plan must and will be controlled. The two terms are absolutely inconsistent.

"PDC's plan is clearly a device to restrict the conveyance of real property to persons of a certain race. A controlled integration plan with discriminatory restrictions, albeit they are not recorded and are not in the form of covenants contained in a deed, cannot be enforced in any court in the United States. It would amount to a quota system of housing . . ."

Lecturing the plaintiffs for claiming their plan "will be an immediate answer to the racial problem in this country," Judge Perry wrote:

"When that plan is examined as it has been applied in other communities and is proposed to be applied in Deerfield, it becomes clear that its effect will be integration which is forced and controlled. Moreover, it will not be by proper authorities but by a private corporation.

"If there is to be controlled or forced integration, it is most certainly a matter for action by the people through their government and not by a private corporation which, when all is said, has as its object the motive of profit not only for its stockholders but also for its promoters.

"It is significant that no Negro has purchased or offered to purchase any of plaintiffs' houses in Deerfield."

Sternly rebuking PDC and MCD for their own intolerance, Judge Perry continued:

"The 'controlled occupancy pattern' which the plaintiffs propose is a racial discrimination and in violation of the 5th and 14th Amendments to the Constitution of the United States and is unenforceable in any court of law or equity in the United States.

"The 'controlled occupancy pattern' which the plaintiffs propose is a racial discrimination and is in violation of Sections 1981, 1982 and 1985, Title 42, U. S. Code ("civil rights" statutes), and is unenforceable in any court in the United States.

"The 'controlled occupancy pattern' which the plaintiffs propose is illegal and the plaintiffs do not come into a court of equity with clean hands.

"The 'controlled occupancy' pattern and resale quota system which MCD proposes to use in Deerfield through PDC is illegal both as to initial sales and resales. The power of a Federal court cannot be used consistently with the 5th Amendment and the Civil Rights Statutes to impose any percentage quota of Negroes or Caucasians.

"Similarly, State power and authority cannot be constitutionally employed within the restrictions of the 14th Amendment to control either the original or subsequent devolution of realty on a quota basis.

"A party who plans to put into effect a system of land tenure whereby ownership or occupation of land will be controlled on racial or other discriminatory bases cannot seek damages in a Federal court for any interference which prevents such party from putting such plan into effect.

"No civil rights of the plaintiffs have been impaired or jeopardized.

"No right that is unenforceable in a court of law or equity, in any court in the United States, can be classified as a civil right.

"In an action for conspiracy under the Federal Civil Rights Acts, it must be alleged that the conspirators have committed an act or acts in furtherance of the conspiracy whereby the plaintiff is injured in his person or property, irrespective of whether the conspirators proceed under color of authority of State power or otherwise.

"The mere attendance at meetings of public officials in their individual private capacity is not such an overt act as is required to satisfy the allegation of an actionable conspiracy under Section 1985 of Title 42 of the United States Code.

"The complaint as explained by plaintiffs fails to state a claim upon which relief can be granted and should be dismissed with prejudice and at plaintiffs' costs."

(Editor's Note—For the benefit of attorneys and others who might want to read the entire opinion, the case is number 59 C 2050 in the United States District Court for the Northern District of Illinois, Eastern Division. The case is styled "Progress Development Corp. and Modern Community Developers, Inc., Plaintiffs, vs. James C. Mitchell, et al., Defendants.)

As yet, the effect which the pending SEC probe into MCD's activities and financial dealings will have on the firm's future plans is unknown.

MCD projects in Waterbury, Conn., and in Des Moines, Iowa are still hanging fire, with a Connecticut subsidiary, Meadow Homes, Inc., already organized to handle the 101-house Waterbury development.

Latest target of the MCD brotherhood-by-compulsion drive is Montgomery County, Md., home of numerous white refugees from the dubious black-and-tan joys of Washington, D. C.

On Feb. 29, MCD launched a drive to raise $200,000 to build 200 homes in three interracial developments in Montgomery County. Milgram announced that two-thirds of the homes would be sold to whites, with the remaining one-third earmarked for Negro occupancy.

Spearheading the Montgomery County MCD project are the two top officials of Americans for Democratic Action (ADA), Joseph L. Rauh, Jr., and Robert Nathan. They are aided by Mrs. Eleanor Roosevelt and Mrs. Agnes Meyer, widow of a Washington publisher.

Mrs. Roosevelt is on MCD's advisory committee, where she works closely with two of Adlai Stevenson's law partners, John W. Hunt and W. Willard Wirtz. Wirtz is an MCD board member, while Hunt is vice-president of PDC.

Incidentally, 11 MCD directors are also NAACP officials. The 11 share an astonishing total of 220 Communist affiliations, according to records of the Florida Legislation Investigation Committee.

(Editor's Note—Thus far, the NAACP has displayed surprising equanimity in the face of a Federal court finding that 11 of its top officials are directors of MCD—a corporation held by the court to be practicing racial discrimination. Wonder what they'll do about it?)

Extra Copies Available

The full story of the outcome of the Deerfield court case is exclusive with THE CITIZENS' COUNCIL. The controlled Northern press ignored this important development.

Additional copies of this issue are available for mailing or distribution to your friends, relatives and neighbors.

Just write THE CITIZENS' COUNCIL, 813 Plaza Building, Jackson, Mississippi, and tell us how many copies you need. They will be forwarded promptly while the supply lasts.

Here Are Samples Of Letters And Petitions Being Sent Lawmakers By Northern Groups

In response to numerous requests from Northern readers, we are printing sample copies of the letter and petition which Northern groups are sending to their Representatives and Senators in Washington.

These Northern groups, described more fully in a story in the February issue, are meeting the race issue head-on. They are dedicated to ending the political domination of Negro bloc votes.

The petition and covering letter are self-explanatory. Leaders of the new Northern movement urge interested citizens to send similarly-worded petitions to their own Congressmen as soon as possible.

This Is The Covering Letter . . .

Dear Sir:

Your kindness in studying the enclosed petition will be appreciated. It has been prepared along lines intended to convey its **representative** rather than **numerical** significance. Many hundreds of additional signatures could have been obtained had there been sufficient time and reason.

Adaptations of this petition are in the process of preparation throughout the entire north, to be directed to other Congressmen and Senators as soon as they are completed. These differ from the ordinary in that signators thereto intend to work for the election or defeat of candidates or incumbents, depending on how closely they accord with majority will.

Unfortunately, there is a well-organized attempt underway to stampede both Houses of Congress into unwise coercive legislation to obtain compliance with minority demands. The extent to which such organized effort can mislead sincere legislators as to majority wishes is becoming painfully apparent. No doubt, many dedicated members of Congress are supporting Civil Rights measures out of the mistaken belief that such is the desire of the majority.

Nevertheless, thoughtful Americans everywhere are stirring out of their apathy. Their good common sense has sounded the alarm, and, although belatedly, they are responding with vigor and coordination. They reject the brand of brotherhood that condemns and alienates our white brothers to the south whose contributions to the greatness of this nation are in such direct contrast to the favored minority's failure to discharge its civic responsibilities—wherether located in the south or north. Bitterness and resentment are the inevitable by-products of force. Love, respect, brotherhood and tolerance are its victims.

There can be little doubt that the majority of Northern people are opposed to coercive Civil Rights legislation. Every poll supports this statement. In Nevada, a professionally conducted poll reflected opposition by a 9 to 1 majority. In Deerfield, Illinois, a carefully prepared but informal poll returned a majority of 8 to 1. Can one rightfully assume that those who voted in these polls are any different from the citizens of Maine, Ohio, Montana, Iowa, New York or Nebraska?

We trust you will give the enclosed your thoughtful consideration.

Respectfully,

Chairman, _____ Congressional District

. . . And This Is The Petition

Sir:

The undersigned have watched with growing concern, the impact of organized minority pressure to compel ever more Civil Rights legislation. The momentum thus far generated threatens to carry the whole matter far beyond the bounds of prudence; therefore we feel obligated to raise our voices in determined protest.

Professional and informal polls are in complete agreement in concluding that the great majority, north and south, are vigorously opposed to further coercive action. It is a disgraceful commentary on the wisdom of our leaders that the only solution they can propose to this knotty problem is to "pass a law"! **Nothing** could be so well calculated to foster bitterness and resentment as this effort to **compel the majority to** "knuckle under" to a minority notorious for its failure to accept civic responsibility.

Proponents of compulsive Civil Rights legislation are fond of reminding us that we must "get our house in order" to satisfy foreign criticism. Our President, Congress and our State Department have adopted such an apologetic attitude to foreign peoples that we, as prideful Americans, are filled with shame. Any child should know that ever since its emergence as a world power, the Soviet Union has filled the air with one charge after the other and will no doubt continue without regard for **anything** we may or may not do. The instant elimination of segregation in this country would simply witness a Communist shift to something else. In the meantime, by taking notice of such propaganda, we are kept off balance and in an undignified defensive position — the exact objective of the Soviet Union and a shameful betrayal of national pride.

Although until recently, organized resistance to irresponsible, sweeping, politically-inspired Civil Rights legislation has been confined to the South, the North is now undergoing an awakening. It is **quietly and powerfully organizing** and shall make itself felt in future elections. Invasion of the rights of the "90" by the "10", in seeking to **compel** compliance with its will, **cannot** and **shall not** be tolerated. Whenever the "10" demonstates its willingness and capacity to accept and discharge its civic responsibilities in a manner benefitting first-class citizens, it will not **need** the support of pressure groups, pseudo social scientists or misguided "liberals"—it will have earned and will receive complete acceptance in accord with the finest of American traditions. Until then, those who so loudly proclaim concern for the welfare of the "10" might better devote their money and effort to the **elimination** rather than the **concealment** of its shortcomings—that the day of recognition will not be long delayed.

It is our sincere hope that you will reappraise your position on this entire subject, particularly avoiding any over-simplification of one of the most complex internal problems this country has been called upon to face. Premature and ill-considered action will be disastrous—claims of hysterical and predatory pressure groups notwithstanding.

It would be a mistake to believe that we do not correctly reflect the convictions of the majority of your constituents. If necessary, we are prepared to provide incontrovertible evidence to that effect. You are well aware that it is your duty to represent accurately the **majority** and that it is incumbent upon you to make every effort to ascertain their true nature. We offer our unlimited assistance in such an effort and shall look forward to your reply.

Respectfully,

Methodist Study Group Urges Gradual Mixing

"Like a blind man walking across a tightrope juggling a lighted bomb," is the way one prominent layman aptly describes the touchy racial situation facing Methodist leaders.

Beset on one hand by left-wing, pink-tinged, ultra-liberal elements, including most of the clergy, particularly those prominent in the church hierarchy, Methodism is also confronted by a resurgance of feeling among members that the world's largest Protestant denomination has gone too far in pushing integration.

Reconcilation of these two divergent viewpoints seems well-nigh impossible; but church leaders, mindful of the schism created in Methodism by this same issue a century ago, are making their task no easier by their technique of "let's try to please everybody a little bit"-style of compromise.

For extreme elements on both sides of the racial question—and in this case, the "extremists" seem to include practically everybody—compromise is not a satisfactory method of resolving the issue.

Left-wing "liberals" will be satisfied with nothing less than complete integration of Negroes into every phase of Methodist church and church-related activity; Southern Methodists and other conservatives are reluctant to let the race-mixers get a foot in the door, lest they be engulfed in the subsequent black deluge.

By the way of contrast, consider these recent incidents.

On Jan. 31, at Asbury Methodist Church in Washington, a so-called "Volunteer Civil Rights Commission" held a mock "hearing."

The volunteer group, not content with the strife and turmoil created by the Eisenhower CRC, met to let eight Southern Negroes tell their unsubstantiated and one-sided versions of why they can't vote.

A guiding light of the entire travesty was one G. Bromley Oxnam, Bishop of the Washington Area of the Methodist Church, and former president of the Methodist Council of Bishops.

Bishop Oxnam, who has the knack of picking up Communist-front affiliations (36 at last count) and dubious associates, radiated "goodwill and brotherhood" before the audience of 900 stomping, shouting Negroes and 600 woebegone whites.

The question of voting, Oxnam said, is not a political one. Nor is it even an economic matter. No. According to Oxnam's befuddled reasoning, it's simple—voting is basically a religious issue.

(Editor's Note—Sure it is—in some countries, where elections are held on Sundays and political parties are divided along religious lines. But someplace or another, we became possessed of the curious—and no doubt, antiquated—notion that this is one reason why our forefathers came to America. Gee, Bromley—thanks for setting us straight!)

Oxnam continued: "This whole question of voting to me is incredible—that in 1960, men and women must come here in a democracy and ask for the privilege of voting."

(Editor's Note—It's incredible, all right! In the first place, this is not a democracy—but a Constitutional Republic. In the second place, Oxnam himself admits that voting is a PRIVILEGE. And, pray tell, how does one gain a privilege WITHOUT asking for it? Too, if every request were granted, then it would no longer be a privilege. Of course, Gunnar Myrdal doesn't see it that way.)

Besides Oxnam, members of the "Volunteer CRC" panel included Rev. George W. Baber, Philadelphia, presiding bishop of the African Methodist Episcopal Church; Rev. William Holmes Borders, Atlanta, president of the National Fraternal Council of Churches; Philip A. Camponeschi, executive secretary of the Equal Employment Opportunity Commission of the city of Baltimore, Md.; Dr. Roland P. Mackay, Chicago, former chairman of the "section on nervous and mental diseases" of the AMA and editor of the "Yearbook of Neurology"; and Rev. C. Ewbank Tucker, Louisville, Ky., presiding bishop of the African Methodist Episcopal Zion Church.

The "hearing" was held to "prove" that more "civil rights" laws are needed to increase Negro voting in the South.

One witness after another told of failing tests required of applicants for registration — tests which, in most cases, have been upheld by Federal courts.

Ironically, the "hearings" came less than a month after a special study commission advised Methodist leaders to make "no basic changes" in the present segregated jurisdictional set-up.

To soothe irate race-mixers, the commission pointed out that the present system "assures racial integration in the highest echelons of our church—in the council of bishops, the judicial council and in all boards, commissions and committees."

The 32 - page report continues, "There is no other denomination in America where this degree of racial integration in the governing bodies of the church has been achieved."

There are nearly 10 million Methodists in the U. S., including a half-million Negroes. The church officially favors integration.

The report was made by a 70-member study group established by the 1956 General Conference to study segregation within the Methodist Church. Recommendations of the study commission will be submitted to the 1960 General Conference, which opens in Denver on April 27.

Present Methodist structure is based on six jurisdictions — five on a geographic basis, and one all-Negro, called the Central Jurisdiction. Each jurisdiction elects its own bishops and members of general church boards and agencies. This system has been in effect since 1939, when three major branches of Methodism unified.

The report states, in part:

"To legislate the immediate elimination of the Central Jurisdiction would be harmful to the church, and especially disastrous to Negro Methodists. Many lifelong members would be without full fellowship in local churches or Annual Conference."

Warning of possible future changes, the report continued:

"We are agreed in this report that the church cannot now abolish the racial jurisdiction. Drastic legislation will not accomplish the fully inclusive church we all desire.

"We must give ourselves to education and experimentation in the creating of a climate—spiritual and psychological—in which an inclusive Methodist Church will be a reality."

Instead of abolishing the Central Jurisdiction, the report suggests that the General Conference try to implement a provision of the church constitution which enables local Negro congregations to seek and gain admittance to white jurisdictions under certain conditions.

However, the report noted that the procedure went into effect three years ago, and only six Negro congregations have yet transferred to white jurisdictions, with just 36 others currently negotiating.

The chairman of the study commission, New York attorney Charles C. Parlin, observed that many commission members started their task convinced that segregation must be abolished immediately. During the course of the 4-year study, Parlin said, there was "quite a shift in their position."

Finally, the 70-member group, half laymen, agreed unanimously that any compulsory change in present segregation patterns would be harmful to Methodism.

"It was almost a choice of that or splitting the church again, North and South, which would be a calamity," said Dr. Ralph Sockman of New York's Christ Church, also a commission member.

The report drew fire from the executive secretary for Christian social relations of the Methodist Woman's Division of Christian Service.

Thelma Stevens of New York told a group in Buck Hill Falls, Pa., that "some unofficial laymen's groups are trying to preserve the segregated structure of the church."

She expressed her concern over "the pattern of segregation within the Methodist Church."

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